ACY-32421-C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Mark Pausch, Laura Price	
Application No.	:	08/816,011	Examiner: Pak, M.
Filing Date	:	March 11, 1997	Art Group: 1646
For	:	POTASSIUM CHANNELS, NUCLEOTIDE SEQUENCES ENCODING THEM, AND METHODS OF USING SAME	

May 17, 1999

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed on March 18, 1999, Applicants provide the following remarks. Because election is required, Applicants hereby elect the claims of Group I (claims 1-21 and 36-39). However, the Restriction Requirement is traversed for the following reasons.

The Examiner has required election between claims 1 through 33 and claims 36 through 39. Applicants traverse this requirement because claim 1 is generic to claims 2 through 33 and 36 through 39. Under the M.P.E.P., Applicants are permitted to claim a reasonable number of species in a single application. In fact, the Code of Federal Regulations and the M.P.E.P. explicitly state that the presence of a linking generic claim, such as claim 1, prevents restriction, **even if otherwise proper**. See 37 C.F.R. §1.141; M.P.E.P. §809.03. Thus, the Restriction Requirement is improper and should be withdrawn. Applicants request that the Examiner withdraw this requirement.
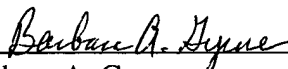
CONCLUSION

In view of the foregoing election, early examination and allowance of the present application are

respectfully solicited.

Respectfully submitted,

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